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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,324	08/12/2005	Rasmus Dines Larsen	HOI-13202/16	5292

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 09/04/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/533,324

Examiner

Robert T. Crow

Applicant(s)

LARSEN ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 15 January 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Robert T. Crow/
Examiner, Art Unit 1634

Continuation of 4(e) Other:

1. As noted in the Examiner-Initiated Interview Summary mailed 18 June 2008, the examiner contacted Applicant on 18 June 2008 because a set of amended claims and a supplemental set of amended claims were both submitted on 13 March 2008. The supplemental set of claims had been separated by the cover sheet. Hence, the examiner did not know which set of claims was the supplemental set. Applicant's representative informed the examiner that the supplemental set of claims to be examined is the set that has struck-through the phrase "of a liquid material" in line 13 of claim 1.
2. Therefore, the last set of claims entered is the set of claims filed 13 March 2008 which has struck-through the phrase "of a liquid material" in line 13 of claim 1 (hereafter referred to as "the previous version of the claims").
3. Applicant's versions of the claims submitted 9 January 2009 and resubmitted on 15 January 2009 are therefore non-compliant because they do not take into consideration the amendments entered on 13 March 2008. Specifically;
 - A. The phrase "of a liquid material" is present in line 13 of claim 1 but not marked as new text; however, the phrase was deleted in the previous version of the claims.
 - B. The word "sample" is present in lines 15 and 19 of claim 1; however, in the previous version of the claims, "sample" was replaced with "volume."
 - C. The comma after the word "antibodies" in line 2 of claim 113 is underlined; however, the comma was already added in the previous version of the claims.
 - D. The comma after the word "probes" in line 2 of claim 114 is underlined; however, the comma was already added in the previous version of the claims.
4. It is reiterated that the last set of claims entered, as per Applicant's instructions, is the set of claims filed 13 March 2008 which has struck-through the phrase "of a liquid material" in line 13 of claim 1. Any further sets of claims must be based on this set of claims.

/Robert T. Crow/
Examiner, Art Unit 1634.